

Issued February 14, 1911.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 730, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On or about January 20, 1910, the Shepard Baking Powder Company, a corporation, St. Louis, Mo., shipped from the State of Missouri into the State of Kentucky a consignment of vanilla extract labeled (on bottle): "Shepard's Economical Brand Extracts. Vanillin Vanilla flavor, sugar color Serial No. 11648. Manufactured by Shepard Baking Powder Co., St. Louis;" (on carton): "Shepard's Economical Brand Extracts. Vanillin vanilla flavor. Guaranteed economical, sugar colored. We guarantee under the Food and Drugs Act of June 30, 1906. Manufactured by Shepard Baking Powder Co., St. Louis, Mo. Shepard's for quality. Shepard's Economical flavoring can be secured in the following flavors, vanilla, strawberry, orange, pineapple, lemon, raspberry, almond, banana. Fruit coloring, perfectly harmless. Shepard's vanilla;" (on paper box in which packed): "Shepard's Economical Brand Flavoring Extracts. Mfgd. by Shepard Baking Powder Co., St. Louis, Mo. Shepard's baking powder and pure extracts. Shepard's vanilla. Shepard's." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and the product was found to contain vanillin 0.248 per cent, coumarin 0.028 per cent, color caramel and alcohol by volume 7.54 per cent. As the findings of the analyst and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Shepard Baking Powder Company, Incorporated, and the party from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Missouri against the said Shepard Baking Powder Company, Incorporated,

charging the above shipment and alleging that the product so shipped was adulterated in that the product was not vanillin vanilla flavor, that it contained little or no extract from the vanilla bean, that said liquid was a highly dilute alcoholic solution of vanilla and coumarin containing little or no extracts from the vanilla bean, and that in the manufacture of said liquid a highly dilute solution of vanillin and coumarin containing little or no extract from the vanilla bean had been substituted for the article described upon the label thereof, and further, that the liquid contained in said bottles had been mixed and packed with a highly dilute alcoholic solution of vanillin and coumarin so as to reduce and lower and injuriously affect its quality and strength; and further, that the product was misbranded in that it was not vanillin vanilla flavor and was not vanilla flavor, but was a highly dilute alcoholic solution of vanillin and coumarin containing little or no extract from the vanilla bean, and was an imitation and offered for sale under the distinctive name of another article, and further, that the words "Shepard's vanilla," appearing upon the top and bottom of said cartons containing said bottles and the words "Vanillin vanilla flavor," appearing upon the front and back of said cartons and upon said bottles, and the words "Shepard's vanilla" and the words "Shepard's baking powder and pure extracts," appearing upon said larger cartons were false and misleading, as said bottles contained little or no extract from the vanilla bean, and that said bottles and said cartons were so branded as to deceive and mislead the purchaser and to lead the purchaser to believe that the article contained in said bottles was a genuine vanilla flavor containing a substantial amount of extract from the vanilla bean when, in truth and in fact, said liquid was an imitation of the vanilla flavor containing little or no extract from the vanilla bean.

On November 9, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$20 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *January 18, 1911.*